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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,973	12/23/2003	David Alexander Ball	112025-0544	9360

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EXAMINER
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TRAN, PHUC H

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/743,973

Applicant(s)

BALL ET AL.

Examiner

PHUC H. TRAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/3/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Salama et al. (U.S. Patent No. 6584093 B1).

- With respect to claims 2, 5, 11, 17, & 24-26, Salama teaches a method for distributing route selection in an implementation of a routing protocol executing on a router of a computer network (e.g. the method for automatic inter-domain routing of calls), the method comprising the steps of:

receiving announced paths from peers of the router at a plurality of first processes of the routing protocol (col. 9, lines 8-10);

performing a first stage of route selection at the first processes to select partial best paths (col. 9, lines 11-15);

forwarding the partial best paths to a second process of the routing protocol (col. 9, line 13);

performing a second stage of route selection at the second process to select best paths (col. 27, lines 23-24); and

sending the selected best paths to the first processes for announcement to the peers (col. 27, lines 37-39).

- With respect to claims 3, and 15, Salama teaches wherein the routing protocol is a Border Gateway Protocol (BGP) and wherein route selection includes a BGP best path selection algorithm (col. 9, lines 19-22).

- With respect to claims 4, & 16, Salama teaches wherein the first processes are speakers and wherein the second process is a BGP routing information base (bRIB) (col. 11, line 63; col. 9, lines 30-32).

- With respect to claims 6, & 18, Salama teaches wherein the step of performing the first stage of route selection comprises the step of splitting the announced paths for each prefix into a plurality of groups such that within each group, the BGP best path selection algorithm is a transitive relation (col. 10, lines 30-35).

- With respect to claims 7, & 19, Salama teaches wherein the step of splitting comprises the step of grouping the paths according to an autonomous system (AS) from which they were received (col. 9, lines 20-23).

- With respect to claims 8, & 20, Salama teaches wherein the step of performing the first stage of route selection further comprises the step of calculating a best path in each group using the BGP best path selection algorithm (col. 60-65).

- With respect to claims 9, & 21, Salama teaches wherein the step of performing the first stage of route selection further comprises the step of performing a comparison between each best path from each group (col. 19, lines 17-20).

- With respect to claims 10, & 22, Salama teaches wherein the step of performing a comparison further comprises the steps of:

selecting a path with a highest degree of preference (col. 20, lines 47-50); selecting a locally originated path over a learned path; selecting a path with shortest As-path; and selecting a path with lowest origin (col. 18, lines 15-35).

- With respect to claim 12, Salama teaches wherein the step of performing the second stage of route selection comprises the step of using the full BGP best path selection algorithm to select a best path per prefix from among the partial best paths received from all speakers (e.g. the selection of path, col. 23, lines 33-48).

- With respect to claims 1, 13, & 23 Salama teaches a system adapted to distribute route selection in an implementation of a routing protocol executing on a router of a computer network, the system comprising:

a plurality of first processes of the routing protocol configured to receive announced paths from peers of the router and perform a first stage of route selection to select partial best paths (col. 9, lines 8-10);

a second process of the routing protocol configured to perform a second stage of

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route selection to select best paths in response to the partial best paths forwarded by the first processes, the second process further configured to send the selected best paths to the first processes for announcement to the peers (col. 27, lines 23-24).

- With respect to claim 14, Salama teaches wherein the routing protocol is a distance vector routing protocol (col. 21, lines 54-60).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Zaumen et al. (U.S. Patent No. 5881243) discloses system for maintaining multiple loop free paths between source node and destination node in computer network.
- Farinacci et al. (U.S. Patent No. 5519704) discloses reliable transport protocol for internetwork routing.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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6/12/05

  
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PRIMARY EXAMINER